

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION EUC08
	CORRESPONDENCE SYMBOL OUI/DUIO
	DATE November 23, 2009

ADVISORY: UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 23-08, Change 6

TO: STATE WORKFORCE AGENCIES

FROM: JANE OATES /s/
Assistant Secretary

SUBJECT: Emergency Unemployment Compensation, 2008 (EUC08) - Program Expansion Question and Answers

1. Purpose. To respond to states' questions about the further expansion of the EUC08 program.
2. References. The Worker, Homeownership, and Business Assistance Act of 2009 (Worker Assistance Act), Public Law No. 111-92, enacted on November 6, 2009; the Supplemental Appropriations Act, 2008, Title IV – Emergency Unemployment Compensation (EUC08), Public law 110-252, enacted on June 30, 2008; and Unemployment Insurance Program Letter (UIPL) Nos. 23-08 and 23-08, Changes 1, 2, 3, 4, and 5.
3. Summary. The Worker Assistance Act provides that its amendments are to be treated “as if included in the enactment of” the original EUC08 Act; therefore, all references to the program and benefit entitlement under the four tiers continue to be referred to as EUC08, even though two of the amendments were made in 2009. The Worker Assistance Act expanded the EUC08 program, for weeks of unemployment beginning after November 6, 2009, in the following ways:
 - It increased the maximum EUC08 Second-Tier entitlement from 13 weeks to 14 weeks of benefits in all states, and this Tier is no longer triggered on by a state reaching a specified rate of unemployment;
 - It created an EUC08 Third Tier providing up to 13 additional weeks of benefits (for a total of up to 47 weeks of EUC08) in states with a 13-week insured unemployment rate of at least 4 percent or a three-month average seasonally adjusted total unemployment rate of at least 6 percent;

RESCISSIONS None	EXPIRATION DATE Conti nui ng
----------------------------	--

- It created an EUC08 Fourth Tier providing up to 6 additional weeks of benefits (for a total of up to 53 weeks of EUC08) in states with a 13-week insured unemployment rate of at least 6 percent or a three-month average seasonally adjusted total unemployment rate of at least 8.5 percent.

In addition, there are two provisions regarding the coordination of benefits:

- A state may continue to pay Extended Benefits (EB) prior to EUC08 under the amendments made by the Worker Assistance Act, to individuals who were in EB claims status at the time of the state's implementation of the Act, as explained in this UIPL, notwithstanding the state's prior election to pay EUC08 before EB.

NOTE: This is a change from UIPL No. 23-08, Change 5. See Q&A D.1., in the Attachment to this Change 6.

- If a state determines that implementation of the increased entitlement to EUC08 Second Tier (i.e., 13 to 14 weeks) would unduly delay prompt payment of EUC08, the state may elect to pay EUC08 Third Tier prior to payment of the increased amount of EUC08 Second Tier until such time as the state determines that the increased EUC08 Second Tier may be paid without undue delay.

The expiration date and phase-out period described in UIPL No. 23-08, Change 4 has not changed. However, in applying the phase out, states will need to take into account that EUC08 Second Tier no longer has a trigger and, for affected states, take into account the new EUC08 Third and Fourth Tiers. Accordingly, if an individual exhausts EUC08 First Tier on or before December 31, 2009, the individual may qualify for EUC08 Second Tier. Further, if an individual exhausts EUC08 Second Tier or Third Tier on or before December 31, 2009, the individual may qualify for the next higher Tier, if an EUC08 Third Tier or Fourth Tier period (whichever is appropriate) is either then in effect or subsequently ends (even if that period ends after December 31, 2009). However, an individual may not move to the next (a higher) Tier if s/he exhausts the prior EUC08 Tier after December 31, 2009. (In states where the week ending date is a Saturday, the last week of potential eligibility would be the week ending December 26, 2009.)

4. Interpretation. The instructions in this document are issued to the states and cooperating state agencies as guidance provided by the Department of Labor (Department) in its role as the principal in the EUC08 program. States may not deviate from the operating instructions without the prior approval of the Department. The interpretations, policies, and procedures issued in this document supersede those previously issued in UIPL Nos. 23-08 and 23-08, Changes 1, 2, 3, 4, and 5 to the extent that any inconsistencies exist.
5. Guidance. This document provides a set of questions and answers regarding the expansion of the EUC08 program and sets forth additional operating instructions to assist states in implementing and administering the program.
6. Action Requested. Administrators are requested to provide this information and instructions to the appropriate staff.
7. Inquiries. Direct questions to the appropriate Regional Office.
8. Attachment. Questions and Answers on the EUC08 Program Expansion